



Department of Facilities Planning, Construction and Management

555 West 57th Street – 16th Floor
New York, NY 10019

TEL: (646) 664-2622 • FAX: (646) 664-2793

Request for Expressions of Interest

For

Public/Private Development

1 Amsterdam Avenue, New York, NY

Project Number CITYW-CUCF-05-19

Designated Contact:

Michael Feeney
Amsterdam.RFEI@cuny.edu

RFEI Release Date:	October 2, 2019
RFEI Site Visit:	October 16, 2019
Deadline to Submit Questions:	October 23, 2019, 12:00 pm
Deadline to Submit RFEI Response:	November 20, 2019, 5:00 pm

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I. Overview

The City University of New York (CUNY) is releasing this Request for Expressions of Interest (RFEI) to determine interest in a public-private development of the site located at 1 Amsterdam Avenue, New York, NY 10019 (Site).

The Site (Lot 1 on Block 1131 of the Borough of Manhattan) has a lot size of approximately 69,000 gross square feet (GSF) with an existing 4-story, approximately 300,000 GSF building, zoned C4-7. The Dormitory of the State of New York (DASNY) purchased the Site, a former shoe factory and warehouse, in 1974 for the John Jay College of Criminal Justice (John Jay).

In 2011, John Jay opened a new 660,000 GSF building, located at 524 West 59th Street, and relocated almost all of its programs and functions formerly housed at the Site to its new building. John Jay and the New York City Department of Corrections currently occupy a minimal amount of space at the Site. In the event CUNY proceeds with a public-private development, CUNY will deliver the Site vacant.

The development of the Site must include a minimum of 300,000 GSF to house the various college operations including classrooms, laboratories, offices, library, academic and student support, assembly and exhibition space, student activities, and campus operations. The college operations will require a limited number of double-volume spaces for assembly and event needs.

In addition to providing a new facility for various college operations, development of the overall Site (Project) must also represent highest and best use (Best Use) in order to maximize the financial return to CUNY. Site development anticipates the following:

- The developer will fund and build the facility;
- The Site will be sold or ground leased for a price that will include a credit for the full cost (design, construction and project management) for the facility;
- Upon completion, the facility will be turned over to DASNY as a turnkey development.

NOTE: This is *not* a Request for Proposals. RFEI responses (Response) will assist CUNY in the development of any future, formal competitive solicitation for Site development. Consequently, neither CUNY nor a RFEI respondent (Respondent) makes any commitment or obligation regarding Site development.

See Section VII (General Provisions) below for additional information.

II. Site Development Objectives

1. CUNY invites ideas for Site development that create a minimum of 300,000 GSF at no or minimal cost to CUNY, the State of New York (State) and the City of New York (City). The facility should be in contiguous space (to the maximum extent feasible), spread over no more than twelve (12) floors. Ideally, the facility would be located on 6-8 floors, with a minimum of 12,000 GSF on any one floor. CUNY is willing to accept up to 25,000 GSF located below grade.
2. The Site development transaction structure would be based on development approaches that locate the facility at the Site under one of the below scenarios:
 - Sale with Condo Buyback
 - 99 Year Ground Lease
 - 99 Year Ground Lease - with upfront balloon payment of full rent schedule
3. CUNY is committed to Site development that delivers, as applicable, a comprehensive hiring and wage program incorporating the participation of State certified minority and women-owned business enterprises (M/WBE), Service Disabled Veteran Owned Business Enterprises (SDVOB), and complies with Articles 8 and 9 of the New York State Labor Law (Prevailing Wages).

III. Site Description

The Site, at 1 Amsterdam Avenue, consists of a lot size of approximately 69,000 square feet. It is located in the dynamic Lincoln Center neighborhood of Manhattan. The existing structure is 4 stories and approximately 300,000 GSF; however, the Site allows for up to 692,000 square feet of development or 830,000 square feet by utilizing inclusionary housing or plaza floor area ratio (FAR) bonus.

Figure 1 – Site Location



A further Site description is included as Appendix A. CUNY anticipates delivering the Site as-is and vacant.

CUNY will conduct a RFEI Site Visit on October 16, 2019. The time and location will be provided by addendum later. The purpose of the Site Visit is to afford prospective Respondents with an opportunity to visit and inspect the Site. All questions must be submitted in writing to the Designated Contact, Michael Feeney. Please refer to Section VI for further information.

IV. Developer Due Diligence

Prior to submitting a Response, Respondents are encouraged to conduct their own independent research and investigation for all matters relating to the Site and their Response, including, without limitation, reviewing any and all publicly-available sources of information relating to the Site. CUNY makes no representation or warranty as to the completeness or accuracy of the information in this RFEI (including, without limitation, any attachments to the RFEI) or as to any other matter relating to the Site. Respondents must rely solely on their own research, investigation, and conclusions relating to the Site and shall not rely on any information in this RFEI or otherwise obtained from CUNY.

Without limiting the foregoing paragraph, CUNY does not make any representation or warranty regarding the presence or absence of hazardous materials or any other environmental conditions that may impact the value of the Site, or any future development thereon.

Note: CUNY will not permit closing contingencies related to environmental conditions in any future procurement to develop the Site. The developer selected as a result of any future procurement shall be required to take the Site “as-is” and assume the obligation to remediate any environmental contamination, indemnify CUNY, the State and the City for any claims that may be made against them, and release CUNY, the State and the City from any claims that the developer may have in the future arising out of the condition of the Site.

V. RFEI Response Requirements

Respondents should submit the following information in their Responses:

1. RFEI Submission Cover Sheet attached as **Appendix B**.
2.
 - a. Concise conceptual overview(s) of one or two potential development programs.
 - b. Completed Transaction Scenario Worksheets, **Appendix C1-3**
 - c. General overview of financing approach including an order of magnitude estimate of Project cost. Complete **Appendix C-4**, Project cost estimate.
3. High-level schedule for the proposed Project, taking into consideration any approvals that may be required. Identify potential development constraints/impediments and associated schedule implications.
4. Brief synopsis of experience with similar projects and with public/private partnerships. Please identify any specific New York City/New York State experience.
5. Brief description of proposed massing for the facility.

VI. RFEI Designated Contact; Response Instructions

1. RFEI Designated Contact

All communications regarding this RFEI may only be with the designated point of contact identified below (the “Designated Contact”). Questions and requests for additional information may only be submitted in writing to the Designated Contact below.

Name: Michael Feeney
Address: 555 West 57th St., 16th floor
New York, NY 10019
Email: Amsterdam.RFEI@cuny.edu

2. RFEI Schedule of Events

RFEI Milestone Event	Date
RFEI Release	October 2, 2019
RFEI Site Visit	October 16 2019
Deadline to Submit Questions	12:00 pm, October 23, 2019
Deadline for RFEI Responses	5:00 pm, November 20, 2019

3. RFEI Site Visit

A RFEI Site Visit will be held on October 16, 2019. The time and location will be provided by addendum later. You may have up to two (2) representatives present at the Site Visit.

Please confirm your attendance by email to Amsterdam.RFEI@cuny.edu by not later than 5:00 pm on October 14, 2019, with the names of the attendees, company affiliation(s), and contact information.

4. RFEI Responses

Submit five (5) hard copies and two (2) electronic media copies to the Designated Contact by the deadline identified above under VI. 2.

Responses should be no more than 10 pages in length, single-sided.

VII. General Provisions

The issuance of this RFEI and the submission of a Response by any Respondent or the acceptance of such Response by CUNY does not obligate CUNY in any manner. By submitting a Response, you agree to the terms of this RFEI. CUNY reserves the right to:

- a. amend, modify or withdraw this RFEI;
- b. revise any requirement of this RFEI;
- c. require supplemental statements or information from any responding party;
- d. accept or reject any or all Responses;
- e. extend the deadline for submission of Responses;
- f. negotiate or hold discussions with any Respondent;
- g. communicate with any Respondent to correct and/or clarify responses which do not conform to the instructions contained herein; and
- h. cancel, or reissue in whole or in part this RFEI.

CUNY reserves the right, at its sole discretion, without liability, to retain and use the Responses and any other materials and information submitted or shared with CUNY, and the ideas and suggestions contained therein, for any purpose. By submitting a Response, each Respondent waives any and all claims against CUNY relating to the foregoing.

This RFEI shall not be construed in any manner to implement any of the actions contemplated herein, nor to serve as the basis for any claim whatsoever for reimbursement of costs for efforts expended in preparing a Response or otherwise. No Interested Party will be responsible for any costs incurred by any Respondent related to preparing and submitting a Response, attending oral presentations, or for any other associated costs. All costs associated with responding to this RFEI will be at the sole cost and expense of the Respondent.

Responses and any other materials submitted in connection with this RFEI are subject to disclosure under the New York State Freedom of Information Law, Article 6 of the Public Officers Law.

The submission of a Response is not required to participate in any potential future development process.

Appendix A: The 1 Amsterdam Avenue Site



SITE LOCATION

Site Description

The Site is located at 445 West 59th St./ 1 Amsterdam Avenue in Manhattan. The Site consists of approximately 69,000 square feet.

The Site is adjacent to:

- Mount Sinai West Hospital and Physicians Office Building
- The Professional Children's School
- Fordham University's Leon Lowenstein Center and a residence hall.
- The Encore - a private residential development
- Numerous public transportation options, including the A, B, C, D, and the 1 lines of the New York City Subway.

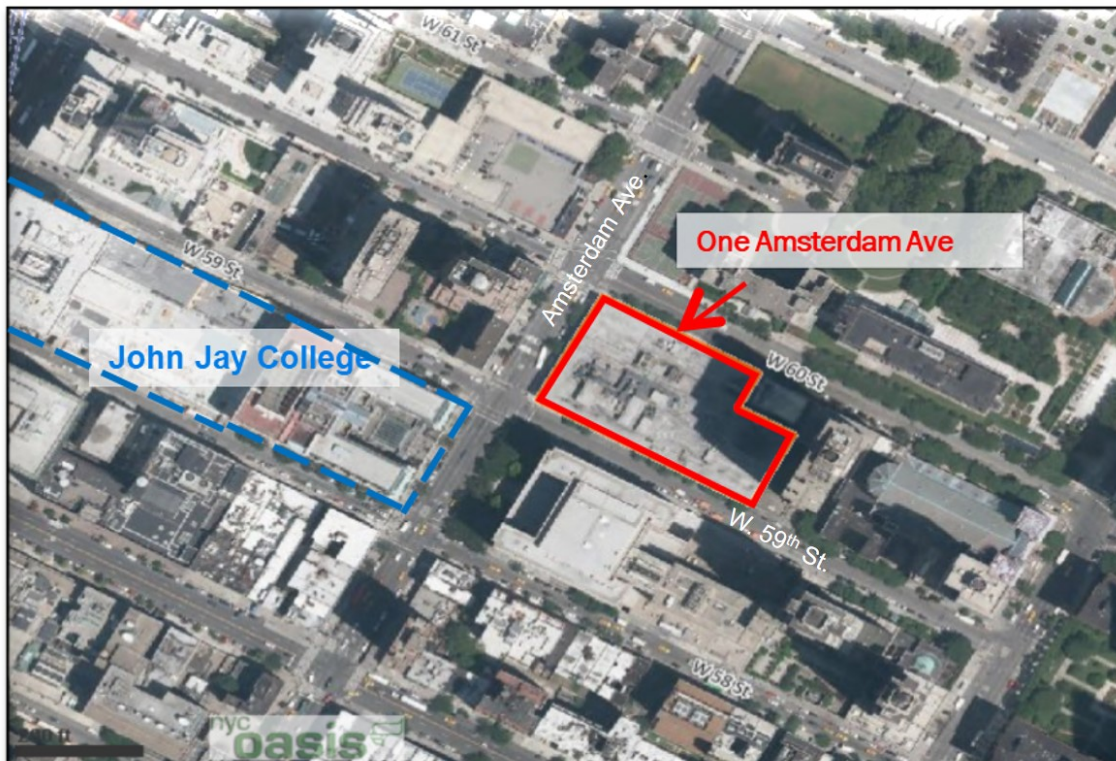
Borough: Manhattan

Neighborhood: Lincoln Square

Parcel: Block 1131, Lot 1

Community Board: Manhattan 7

Zoning: C4-7



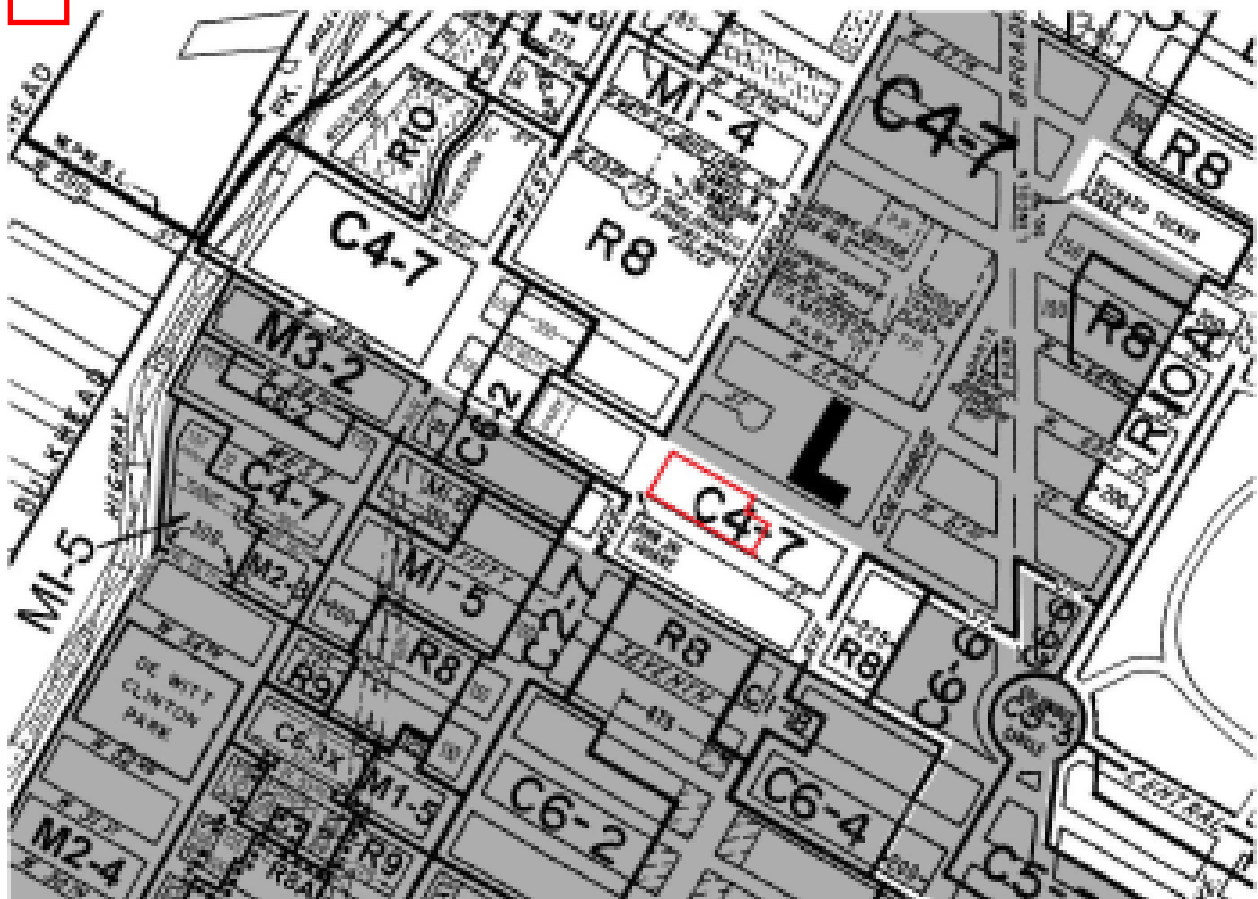
ZONING

Zoning Overview

The Site is zoned as C4-7, General Commercial District, with residential and commercial uses. Based on the applicable zoning, community facility use is permitted at a maximum 10 FAR. Assuming the required 300,000 GSF for the facility, the Project will have approximately 5.6 FAR available for other uses in the Project. A zoning analysis of the site, completed in 2007, is attached as Appendix A-1.

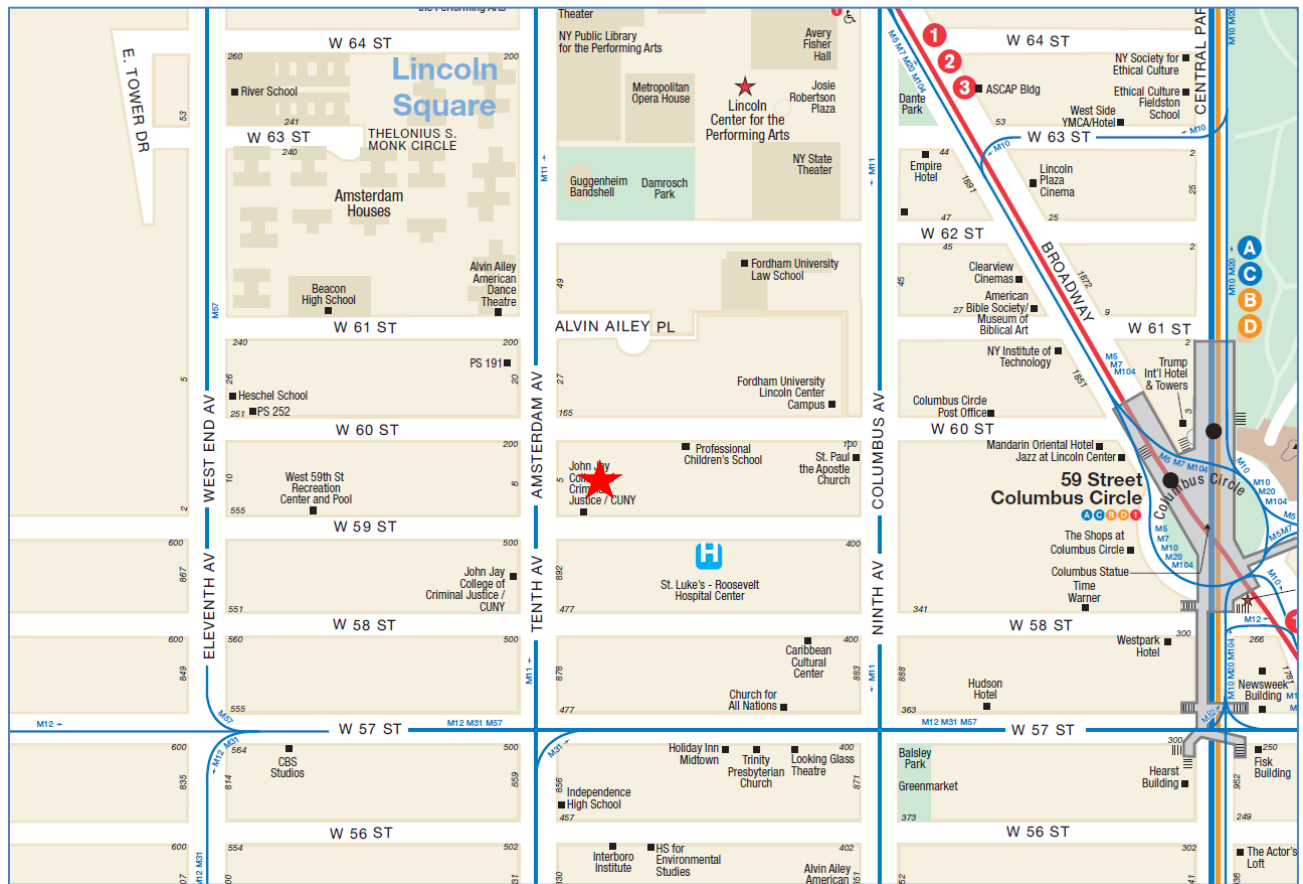
Respondents should note that relevant zoning information contained herein is intended for informational purposes only and should not be relied on or construed as official zoning data or analysis. In the planning and development of any Proposals for the Site, Respondents should consult the use regulation text set forth in the New York City Zoning Resolution. Additional information on zoning may be found on the NYC Department of City Planning website at:

<http://www.nyc.gov/html/dcp/html/subcats/zoning.shtml>.



TRANSPORTATION

- City Bus Routes
 - Subway 1/2/3 line
 - Subway B/D line
 - Subway A/C line
- M5
M7
M10
M11
M12
M20
M31
M57
M104



APPENDIX A-1 ZONING STUDY REPORT

CUNY John Jay College of Criminal Justice

November 2007

ZONING REPORT

Prepared by
Michael Kwarder & Associates
Architectural
Planning
Urban Design

116 West 29th Street
New York, NY 10001
Tel. 212-564-9601
Fax. 212-456-2081
Michael.Kwarder@amcanil.com

The Zoning Report summarizes the various analyses, meetings and discussions regarding the zoning implications for the future expansion of CUNY John Jay College, the use of its unused development rights, and potential public/private development partnerships. The Report is divided into the following five sections.

1. Context
2. Zoning on the College Properties
3. Existing Zoning Options to Distribute Unused Floor Area to Non-contiguous Zoning Lots
4. Identification of Receiving Sites
5. Discussion of Potential Zoning Modifications

Appendix: TDR Analysis 17 July, 2007

Zoning Map: Overbuilt/Underbuilt Site Analysis



Campus Context: View Looking South

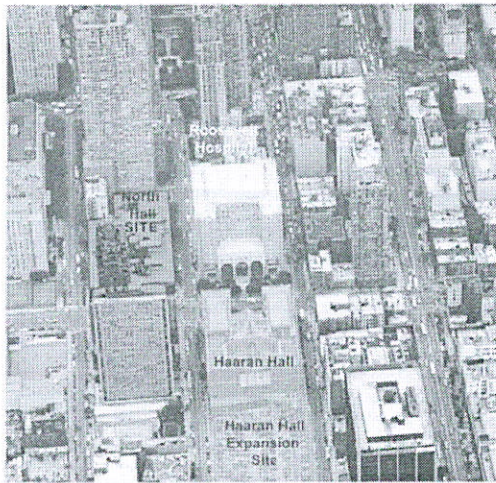
1. Context

The John Jay College consists of owned and leased properties. This report focuses on the owned property: Haaren Hall and Extension Site (Block 1087) and North Hall (Block 1068, Lot 1).

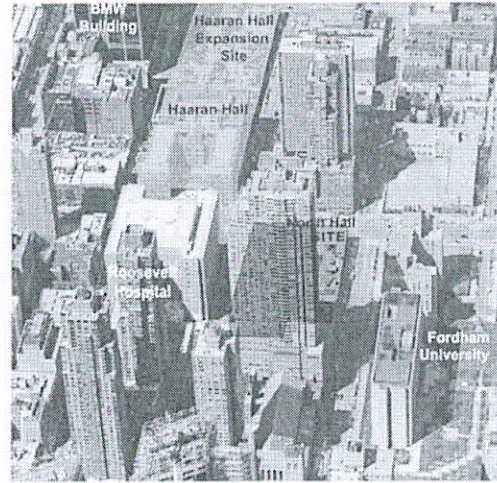
Physical Context

The two College sites are located at the juncture of the Lincoln Square/Riverside South neighborhoods north of W. 57th Street. The blocks immediately to the north of Haaren Hall/Extension Site have been redeveloped over the last ten years from low intensity industrial use to high-rise residential and community facility (Truro College) mixed-use buildings of which some are still under construction. The block east of Haaren Hall is fully occupied by the Roosevelt Hospital complex which also includes a series of residential towers located closer to 8th Avenue.

North Hall shares a block with two high-rise mixed-use residential towers (51 and 52 stories), the landmarked Church of St. Paul the Apostle, and a small private school building (Lot 50) that carves a piece out of North Hall's otherwise rectangular site configuration. Fordham University occupies the superblock to the north where it is planning a major expansion of the campus. And north of Fordham University is Lincoln Center.



Campus Context: View Looking East



Campus Context: View Looking West

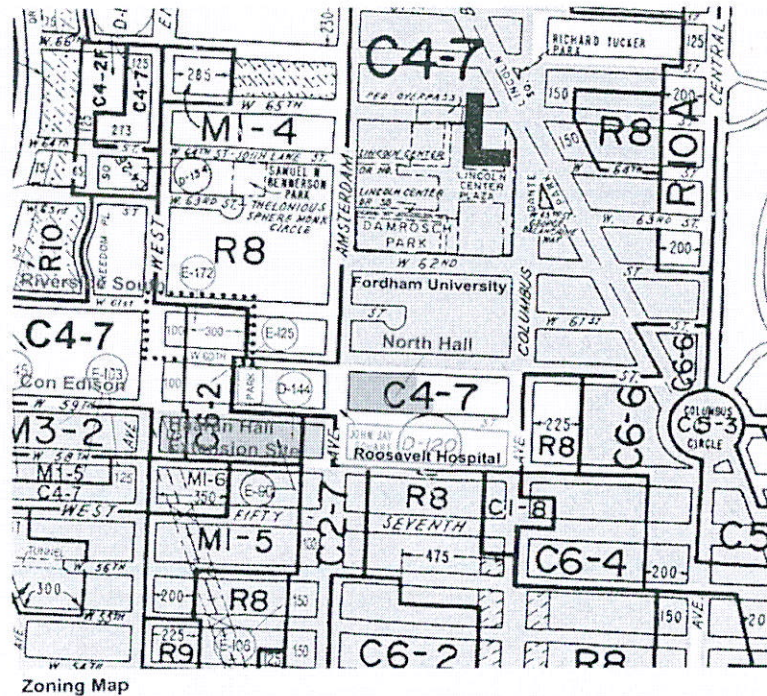
To the west and north is Con Edison's Westside Generating Plant and Riverside South. The Riverside South superblock diagonally across West End Avenue from Haaren Block 1087 has not been developed to date. At the time the Riverside South Plan was adapted the superblock was contemplated as studios and other commercial and community facility uses. HR&A has learned that this parcel has recently been sold to the Extell Development Company for development.

The blocks to the south of Haaren Block 1087 are a mix of low-mid-, and high-rise buildings of which those to the east are primarily tenements on 10th/Amsterdam Avenue and larger industrial/office buildings (e.g. the BMW office building at 555 57th Street and partially occupied by CUNY) to the west and fronting 11th/West End Avenue.

Zoning Context

The Haaren Hall block (Block 1087) was one of the first rezonings from M (Industrial) to residential mixed-use. [C2-7 on 9th Avenue (pre-existing), C6-2/medium density on the midblock, and C4-7/high density on 10th Avenue]. The rezoning was done in conjunction with special permits that are discussed in the next section, the most important being one for a General Large-Scale Development.

A number of properties in the area are zoned C4-7, including Roosevelt Hospital, the North Hall block, the easterly and westerly portions of the block to the north of Haaren Hall, all of Lincoln Square (including the Fordham University superblock), and the Riverside South superblock west of the Haaren block. C4-7 is a mixed-use district that has a floor area ratio (FAR) of 10.0, bonusable to a 12.0 FAR (Inclusionary Housing, Plazas and Arcades) that allows residential, commercial and community facility uses. The Special Lincoln Square District (SLSD) overlays almost all the contiguous area



mapped C4-7 with the exception of the Roosevelt Hospital and North Hall blocks and the portion of the block north of Haaren Hall.

The Special Clinton Preservation District (SCPD) includes a portion of the Haaren Hall block and the area south of W. 58th Street. The Haaren block and those blocks north of W. 56th Street are in the SCPD Perimeter Area and are not subject to the more constraining Preservation Area immediately to the south. 9th Avenue is mapped C2-7, a mixed-use R9 equivalent district with a maximum residential FAR of 7.5 and community facility FAR of 10.0. The easterly midblocks are mapped R8, a middle density district that permits both residential and community facility use. Most of the two blocks grouped around W. 57th Street between 9th and 10th Ave. are mapped M1-5 and M1-6 mid-and high-density industrial district that respectively permit community facility FAR of 6.5 and 10.0 respectively.

The western blockfront of the Haaren block is mapped C4-7, as are the blockfronts on both sides of 10th/West End Avenue, with the exception of the Con Edison facility which is mapped M3-2, heavy industrial.

In summary, the College blocks and those in the immediate context all permit community facilities with the exception of the Con Edison block. Further, residential use is permitted in the C4-7, C6-2, and C2-7 districts as well.

2. Zoning on the College Properties

Haaren Hall/ Extension Site (Block 1087)

As noted earlier this block's rezoning from M to C6-2 and C4-7 (C2-7 on 9th Avenue pre-existed) to permit a residential mixed-use development was accompanied by three special permits.

- General Large Scale Development (ZR 74-74)
- Development Within or Over a Railroad Right-of-Way or Yard (ZR 74 -68)
- Accessory Parking Garage of Greater than 225 spaces (ZR – 13-561)

The General Large Scale Development (GLSD) includes all of Block 1087 (Haaren Hall and the Extension Site). The rezoning resulted in a maximum community facility zoning floor area (ZFA) of 1,202,469.63 ZFA. The SOM drawing (Z-2 18 March 2004) shows the total proposed development of Block 1087 (the proposed Extension and Haaren Hall) is 832,314.50 ZFA leaving 370,156 ZFA unused. With the exception of building into Haaren Hall's courtyard, this additional ZFA could not be used on Block 1087 due to the structural inability of the planned Haaren Extension building to support further development (see HR&A Meeting Minutes 23 July 2007/p.3 "The 5 scenarios" where scenarios 4. New North Hall via Public/Private & Future Haaren Hall Development and 5. Renovated North Hall, Site Assemblage A, and Future Haaren Hall were both subsequently determined not to be an option)¹.

The next section explores existing zoning mechanisms that allow the distribution of unused floor area from one zoning lot to another zoning lot. Because of the decision to accommodate the Haaren Hall Block's unused zoning floor area in Phase Three Development, the distribution of unused floor area zoning from the Haaren Block to other zoning lots is now unnecessary and a moot issue. The analyses are included in this report as a point of record.

North Hall (Block 1131, Lot 1)

North Hall is located entirely within the C4-7 district. The maximum base FAR is 10.0 FAR for residential (an R10 equivalent), commercial, and community facility is used either singly or in combination. The maximum bonusable as-of-right FAR is 2.0 and is achieved by either the Inclusionary Housing or Residential Plaza bonus (requires a residential component to the development) or an Urban Plaza or Arcade bonus for predominantly community facility or commercial buildings. In C4-7 districts the maximum permitted FAR on a zoning lot is 12.0 FAR including the Transfer of Development Rights (TDR) from designated New York City landmarked buildings. The zoning analysis follows.

1. Subsequent to this analysis, the recently appointed CUNY Director of Design and Construction has decided to delay construction of the Haaren Extension to have the structural supports added back into the design to accommodate an eventual third phase of development on the site. It is anticipated that the envisioned third phase would include most, if not all, of the Haaren Hall Block's unused zoning floor area.

Lot Area	= 69,217.5 SF (281.25' + 135.83' x 375': CUNY
Zoning District	= C4-7 (R10 Equivalent)
Max. Zoning Floor Area (ZFA)	= 692,175 ZFA
Max. FAR	= 10.0
Max. FAR w/Bonus	= 12.0 (See above for bonuses)
Max. ZFA w/Bonus	= 830,610 ZFA
Max. # of Dwelling Units @	= 790 ZFA/DU
• @ 10.0 FAR (692,175 ZFA)	= 876 DUs
• @ 12.0 FAR (830,610 ZFA)	= 1,051 DUs
Rear Yards	
• Corner Lot	= None req'd
• Through Lot	= None req'd
• Interior Lot	= 20'/CF and Com, 30' /Res.
Height and Setback	
• Standard	
o Max. Base Height	= 85' or 6 stories whichever is less
o Initial Setback	= 20'/narrow street, 15'/wide street (a wide street is greater than or equal to 75 feet.)
o Sky Exposure Plane	= 2.7:1/narrow street, 5.6:1/wide street
• Alternate Setback	
o Initial Setback @ Grade	= 15'/narrow street, 10'/wide street
o Sky Exposure Plane	= Begins at 85'
o Sky Exposure Plane	= 3.7:1 narrow street/7.6:1 wide street
• Towers (Res./CF/Com)	
o Max. Coverage @ 40%	= 27,687 SF
o Min. Setback from Streetline	= 15'/narrow street, 10'/wide street
o Aggregate Streetwall of a Tower (maximum area a tower may cover within 40 ft. or 50 ft. of a wide and narrow street respectively)	
- Narrow Street	= Max. 1,875 SF within 50' of narrow street
- Wide Street	= Max. 1,600 SF within 40' of a wide street
• Courts	
o Residential Court Regulations are applicable to the Residential and Community Facility portions of Mixed Buildings	
• Parking	
o Accessory Parking	= Not Req'd

3. Existing Zoning Options that Distribute Unused Floor Area to Non-Contiguous Zoning Lots

This Section examines the existing zoning options that would permit some or all of the unused floor area from the Haaren Hall block (Block 1087) to be distributed to one or more zoning lots that would be either across the street or diagonally across the street from Block 1087 (i.e. North Hall). In addition, the preferred zoning option should provide site planning and building massing flexibility, to the degree possible.

The distribution of unused floor area or development rights across streets or intersections can only be done by special permit by the City Planning Commission. The special permits discussed below also must go through a public review process: ULURP (Uniform Land-Use Review Process,) and may require modification to the existing General Large-Scale Development special permit for Block 1087 and an EIS (Environmental Impact Statement).

Large Scale Community Facility Development (LSCFD) (79-00)

Requirements

- Must be a development or enlargement used predominantly for community facility uses and can have a residential component.
- May consist of two or more zoning lots that are either contiguous, across the street, or across an intersection.
- Minimum area of 3 acres.
- Single or alternate fee relationships. (e.g. an agreement between separate zoning lots to join in the Large Scale Community Facility Development.)
- May include existing buildings provided that they are integral to the Large-Scale Community Facility Development.
- Applicable only in Residence districts and C1, C2, C3, and C4-1 districts.

The Planning Commission may authorize the following modifications:

- Distribution of the permitted zoning floor area, dwelling units, and required lot coverage and open space without regard to zoning lot lines.
- Minimum distance between buildings (max. reduction = 15%)
- Height and setback regulations for portions of streets fully within the Large-Scale Community Facility Development.

Analysis

- The LSCFD is not applicable in C4-7 districts;
- Meets the requirement of 3 or more acres (Block 1087);
- Can consist of non-contiguous zoning lots including zoning lots across the street or across an intersection;
- Permits the distribution of zoning floor area from zoning lots with existing buildings (e.g. Haaren Hall/Block 1087);

- Would permit all of the unused zoning floor area from Haaren/Block 1087 to be transferred to one or more zoning lots within the Large-Scale Community Facility Development up to the maximum permitted FAR for the entire combined development;
- Permits limited modification of the height and setback regulations. The modifications are limited to streets wholly within the development; and
- Permits the reduction of the minimum distance between buildings up to 15 %.

Summary

The Large-Scale Community Facility Development special permit meets the threshold criteria of being able to distribute all of the unused floor area from Block 1087 to zoning lots within the large-scale development that are across the street or across an intersection. Unfortunately, the Large-Scale Community Facility Development special permit is not permitted in C4-7, C6-2, and M districts. It is permitted in C2-7 districts (e.g. Haaren Hall and 9th Avenue south of 58th Street.).

As currently written the Large-Scale Community Facility Development does not meet the criteria because:

- North Hall and Roosevelt Hospital would be excluded (both are in C4-7 districts);
- The M1-5 Districts south of Haaren Hall/Block 1087 would be excluded; and
- The unused zoning floor area accrues to College's General Large Scale Development, the majority of which is mapped C6-2 and C4-7, neither of which are permissible zoning districts.

General Large-Scale Development (74-74)

Requirements

- Defined as not being either a Residential or Community Facility Large-Scale Development.
- Permitted in Commercial and Manufacturing Districts and Residence Districts that are partially within the General Large-Scale Development.
- May consist of two or more zoning lots that are either contiguous, across the street, or across an intersection.
- Minimum area of 1.5 acres.
- Single or alternative fee relationships (i.e. an agreement between separate zoning lots to join in the GLSD).
- May include existing buildings provided that:
 - o are integral to the General Large-Scale Development; and
 - o "that there is no bulk distribution (i.e. ZFA) from a zoning lot containing such existing buildings" (e.g. Haaren Hall/Block 1087).

The Planning Commission may permit, by special permit, the following modifications:

- Distribution of permitted zoning floor area, dwelling units, and required lot coverage and open space without regard to zoning lot lines – except that commercial floor area may not be transferred to Residence Districts, or C1, C2, C3, or C4-1 Districts.
- Location of buildings without regard to the applicable yard, court, minimum distance between buildings, and height and setback regulations.

Analysis

- Does not permit the distribution of unused floor area from Haaren Hall/Block 1087 to other zoning lots because it contains existing buildings that are to remain;
- The GLSD is applicable in C4-7, C6-2, C2-7, M and Residence Districts that are either contiguous with, across the street, or intersection from Haaren Hall/Block 1087;
- Would require an extension of the existing General Large-Scale Development special permit boundaries;
- Limits the distribution of zoning floor area to C2 (C2-7) Districts to non-commercial floor area;
- Meets the requirement of 1.5 acres or more (Haaren Hall /Block 1087); and
- Permits major modifications of height and setback, building spacing, coverage, yards, and open space – subject to site-plan review by the City Planning Commission.

Summary

In all respects, except one, the General Large-Scale Development is the most appropriate zoning mechanism. The fatal flaw is that, as currently written, it does not permit the distribution of Haaren Hall/Block 1087 unused zoning floor area because of the prohibition on the distribution of zoning floor area from zoning lots with existing buildings. Another limitation is the distribution of commercial floor area to the C2-7 District, although this may be less of an issue if the unused floor area can be credited as either Residential or Community Facility zoning floor area.

Transfer Development Rights (TDR) From Landmark Sites (74-79)

In order to avail itself of TDR from Landmark Sites the Landmarks Preservation Commission must first designate Haaren Hall a New York City Landmark.

Requirements:

- The “sending lot” is the zoning lot on which the landmark is located (i.e. Haaren Hall/Block 1087 is a single zoning lot as per the General Large-Scale Development special permit).
- The “receiving lot” or lots are zoning lots that can be either contiguous, across the street, or across an intersection from the landmark. (Note: a “chain of ownership” extending across multiple blocks is only applicable in C5-3, C5-5, C6-6, C6-7, and C6-9 districts);
- The application to the City Planning Commission must include, among other instruments, a program for the continuing maintenance of the landmark and a report from the Landmarks Preservation Commission;
- Separate applications must be made for each “receiving lot;”
- The FAR used to calculate the amount of zoning floor area that is attributable to the landmark is based on the maximum Residential or Commercial FAR (not Community Facility FAR) nor bonuses;
- The maximum increase in zoning floor area on any “receiving lot” cannot exceed the basic maximum FAR by more than 20%.
- The permitted TDR and modifications to the front height and setback regulations on the “receiving lot,” if requested are offset by the preservation of the landmark.

Analysis

TDR From Landmark Sites:

- Requires Haaren Hall become a designated landmark;
- Given the changes that have been made to Haaren Hall it may or may not pass the Commission’s designation criteria, although precedents suggest it probably could be designated;
- Limits the amount of TDRs that can be transferred to a receiving lot to no more than 20% above the basic maximum FAR; and
- May require a modification of the General Large-Scale Development Haaren Hall/Block 1087 special permit.

Summary

Using the TDR From Landmark Sites special permit is a two step process that will probably not be able to be done concurrently – designating Haaren Hall by the Landmarks Preservation Commission and the granting of the special permits by the City Planning Commission.

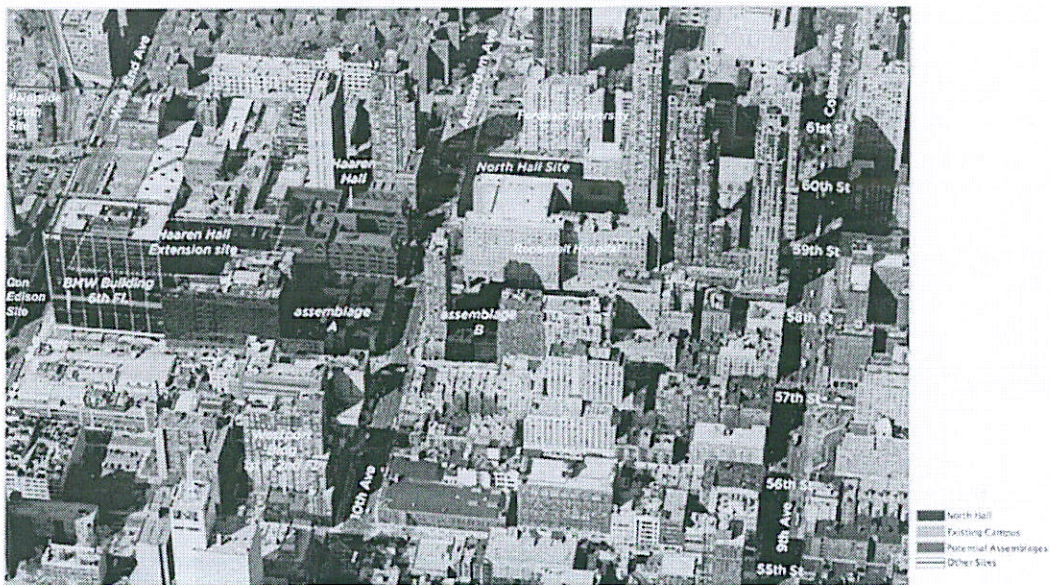
The 20% cap on the “receiving lot” will require more than one “receiving lot” – North Hall and others identified in the next section. In addition, it is unlikely that all of the TDRs can be distributed to “receiving lots”. Further, the 20% cap and the mandated maximum of 12.0 FAR in C4-7 districts reduce the competitive advantage landmark

TDRs have in the higher density districts by rendering those TDRs equivalent to other 20% bonuses such as Inclusionary Housing, Urban Plazas, etc.

The HR&A landmark analysis memo “The Costs and Benefits of Designating Haaren Hall a Historic Landmark” (August 29, 2007) examines the costs and benefits of seeking landmark status for Haaren Hall primarily as a means to obtain a special permit allowing for transfer of development rights (TDR). The analysis suggests that while the potential benefits of landmarking may be significant due to the ability to generate opportunities for TDR, actually capturing these benefits may be challenging, as the value of the created air rights may not exceed that achieved via utilization of as-of-right bonuses. The critical issue for valuation of benefits of the air rights transfer is whether or not they allow the developer opportunities to improve return above and beyond as-of-right development. Assuming that the condominiums are the highest and best use for the area, the analysis concludes that the use of Inclusionary Housing may be more advantageous than the landmark TDR. Furthermore, the costs of landmarking Haaren Hall are considerable, including a long lead time to obtain landmark status and special permit, as well as Landmarks Preservation Commission oversight of future alterations to the building.

Conclusion

Of the three zoning mechanisms that permit the distribution of zoning floor area across streets and intersections, only the TDR From Landmark Sites (74-79) special permit would allow for a significant, but not full, transfer of development rights from Haaren Hall/Block 1087. The Large Scale Community Development (79-00) special permit is limited to Residence Districts and the C2-7 District and is not applicable in C4-7, C6-2 (e.g. North Hall, Riverside South, Roosevelt Hospital and Haaren Hall/Block 1087) and M Districts. The General Large Scale Development (74-74) special permit does not permit the distribution of zoning floor area from zoning lots with existing buildings to remain (Haaren Hall/Block 1087) rendering it inapplicable.



4. Identification of Receiving Sites

This section assumes Haaren Hall becomes a designated New York City Landmark and the use of the TDR from Landmark Sites (74-79) special permit to transfer unused zoning floor area. A soft-site analysis of all of the blocks that were either across the street or intersection from Haaren Hall /Block 1087, the “sending lot,” resulted in the identification of two potential receiving sites and North Hall:

- **North Hall**, which currently houses College facilities in a four-story building that is fully located in the C4-7 District. The lot area is approximately 69,000 SF in a rectangular configuration with a small cutout for an existing school at the easterly lot line on West 60th Street.
- **Riverside South**, which is a superblock in the Riverside South Large-Scale Development that is currently undeveloped. The recent purchaser, Extell Development, is currently exploring options for the site, which is in excess of 356,000 square feet of lot area and currently zoned C4-7. The Restrictive Declaration states minimum and maximum floor areas by use and a maximum floor area for the entire site. The community facility minimum and maximum floor areas are 50,000 SF and 336,400 SF respectively. The HR&A analysis (see HR&A memorandum “Update Riverside South Restrictive Declaration,” October 16, 2007) suggests that the Restrictive Declaration does not provide extensive restrictions on development on the site, nor any extensive community facility development. Changes to the minimums and maximums to accommodate additional floor area from the Haaren Hall block would probably require a modification of the special permit and the Riverside South Restrictive Declaration

Other candidates were determined not to be viable options for TDR:

- **Durst Organization Site** at 57th Street, west of Eleventh Avenue. This development will likely be carried out by special permit and, to the architects knowledge, there is no opportunity for use of additional air rights.
- **Con Edison's Westside Generating Plant**, located on Eleventh Avenue between 58th and 59th Streets. This site could be a long-term option for College expansion, but given an eventual decision to decommission the site, is not a likely receiver site for TDR, given the expectation that it will be landmarked, and has therefore not been further examined.
- **Site Assemblage A**, a potential assemblage of under-built tenements fronting Ninth Avenue in the C2-7 District and underbuilt midblock industrial buildings in the M1-5 District. The assemblage is in the Special Clinton Preservation District: Perimeter Area. The lot area is approximately 45,000 SF in a regular rectangular configuration, and could potentially meet criteria for use as an academic space. However, the process of assemblage will be long-term, capital intensive and risky. Because only 72,757 SF can be transferred to an assembled site, this is not likely to spur enough private interest to lead the effort, leaving CUNY to assemble the sites. Preliminary discussions with CUNY and John Jay suggested this is not a feasible option, and is thus not examined further.
- **Site Assemblage B**, a potential assemblage of under-built tenements fronting Ninth Avenue in the C2-7 District and under-built midblock residential buildings in the R8 District. The lot area is approximately 39,600 SF in an irregular configuration as a result of a new residential condo on Ninth Avenue, a group of two lots that have been cleared for a new residential development, and built-out or overbuilt buildings to the east of the assemblage fronting W. 57th and 58th Streets. The site does not meet CUNY academic planning criteria, and therefore has not been further examined.

Other fronting sites are not feasible receivers of unused floor area. The block to the north of Haaren/Block 1087 is built-out with new and existing residential buildings. The NYC Parks Department public park/swimming pool is not a potential development site, as both Tishman's West End Towers and the Ginsburg development, currently under construction between 60th and 61st Streets, have contributed to the rebuilding of the park into a neighborhood recreation center and playground. Roosevelt Hospital, directly across Ninth Avenue from Haaren/Block 1087 is built-out at 12.0 FAR, the maximum allowable FAR in C4-7 Districts. The remainder of the block east of North

Hall is similarly built-out.

TDRs From Landmark Sites (74-79), as discussed earlier, (3. Existing Zoning Options that Distribute Unused Floor Area to Non-Contiguous Zoning Lots) is based on the maximum Residential or Commercial FAR, whichever is greater, and excludes Community Facility FAR and all applicable bonuses. (The detailed zoning analysis and calculations of unused development rights from Haaren Hall/Block 1087 “sending lot” and the potential “receiving lots” can be found in the Appendix). The result is that 227,363.5 ZFA can be transferred to the potential sites, leaving 151,791.63 ZFA that cannot be distributed and remain on Haaren Hall/Block 1087.

The “receiving lot’s” ability to absorb TDRs from Haaren Hall/Block 1087 is limited to 20% above the maximum base FAR. In the case of North Hall, only a portion of the Haaren development rights available for transfer can be delivered to the site, due to a maximum FAR increase of 20% (138,435 SF of ZFA could be transferred, versus 227,364 SF of ZFA available for transfer on the Haaren block). Therefore the same square footage could also be captured by an as-of-right Inclusionary Housing or Plaza bonus. Only Riverside South/Extell site has the capacity to absorb all of the available TDRs on the site. Due to the large size of the site, it could potentially absorb 712,568 SF of ZFA through a 20% FAR bonus. The potential TDR from the Haaren Hall block is only a portion of this, at 227,364 SF. Notwithstanding, the Riverside South/Extell site limitation on Community Facility and other uses by Restrictive Declaration diminish its role as a potential receiving lot. Moreover, as the HR&A financial analysis of TDR’s versus the Inclusionary Housing bonus at the site--it is likely that the Inclusionary Housing bonus would produce an equivalent or better return than the landmark TDR’s.

Assuming Haaren Hall has already been given landmark designation, each “receiving lot” would require a separate application as per 74-79 and go through ULURP. The applications may include requests to permit more efficient tower configuration. The process is not as-of-right and may take upwards of 18 months including ULURP.

Because of the 20% limitation on TDRs to the “receiving lot,” there are competing as-of-right bonuses. For North Hall, there is the Inclusionary Housing bonus as well (applicable in R10 or equivalent districts, e.g. C4-7) as well as the Plaza and Arcade bonus. The Inclusionary Housing bonus is not applicable in C2-7, an R9 equivalent district.

TDR’s to North Hall from Haaran Hall/Block1087 competes with the as-of-right Inclusionary Housing bonus. Assuming the public/private development is a mix of CUNY and residential then the Inclusionary Housing bonus will probably be preferable to the use of Haaren Hall/Block 1087 TDRs, notwithstanding the waivers and modifications available under 74-79.

5. Discussion of Potential Zoning Modifications

Following CUNY interest to examine a range of other potential zoning modification mechanisms, the team began preliminary discussions with a land-use attorney regarding text changes to the Large-Scale Community Facility Development, General Large-Scale Development, and/or Transfer of Development From Landmark Sites regulations that would permit the distribution and absorption of all of the College's unused zoning floor area from Haaren Hall/Block 1087. In addition, a mayoral override was also being considered and evaluated.

Of the three zoning regulations being considered, the most promising would have been seeking an amendment to the General Large-Scale Development text to allow all the distribution of all of the floor area from a zoning lot with an existing building when the existing building is a college or university. The text amendment would have been similar to or the same as the text amendment being drafted to permit the existing CUNY/City Tech campus to transfer its unused zoning floor area to a site across the street within a General Large-Scale Development. Nonetheless, it was not clear that such an amendment could have been obtained.

As a result of the recent decision to add structural elements to accommodate the Haaren Hall Block's unused zoning floor area in a future phase three development, the issues surrounding transfer of development rights became moot, and the preliminary discussions regarding modifications of the General Large Scale Development were halted.



Request for Expressions of Information (RFEI)

Appendix B - Submission Coversheet

Attach this form to the top of your submission

DATE: _____

GENERAL INFORMATION ON FIRM

Legal Name of Firm: _____

Federal EIN Number: _____

Mailing Address: _____

Website: _____

Main Telephone No. (including area code): _____

NYS MWBE Registration Number (if applicable): _____

NYS SDVOB Registration Number (if applicable): _____

MAIN CONTACT INFORMATION FOR THIS SUBMISSION:

Please list the individual that will be the main contact *regarding this RFEI submission*:

Contact Name: _____

Contact Telephone Number (including area code): _____

Contact Email Address: _____

Contact Facsimile Number (including area code): _____

Transaction Scenario 1: Sale with Condo Buy Back

In this scenario, the site would be sold to a developer. The developer would construct a 300,000 GSF facility to house various college functions. The development of the facility shall include everything except for moveable furniture and equipment. CUNY will supply the movable furniture and equipment separately.

The development of the facility will be funded by the purchase of the site.

At the completion of construction, DASNY shall take ownership of the facility as a condominium.

Per FAR valuation: \$ _____ /FAR

Total FAR to be purchased: _____ FAR

Total purchase price: \$ _____

Total FAR for facility: _____ SF

Total SF below grade for facility: _____ SF

Total GSF for facility: _____ GSF

Total development cost for facility: \$ _____

Transaction Scenario 2A: 99-Year Ground Lease

In this scenario, the developer would ground lease a portion of the site. On the remaining portion of the site, the developer would construct a 300,000 GSF facility to house various college functions. The development of the facility shall include everything except for moveable furniture and equipment. CUNY will supply the movable furniture and equipment separately.

The development of the facility will be funded from capital appropriations obtained by CUNY.

The developer would pay annual ground lease payments, with incremental increases, for 99 years.

Total FAR to be leased: _____ FAR

Initial rent per FAR: \$ _____ /SF

Schedule of ground rent increases: _____ %

Every _____ year(s)

Total FAR for facility: _____ SF

Total SF below grade for facility: _____ SF

Total GSF for facility: _____ GSF

Total development cost for facility: \$ _____

Transaction Scenario 2B: 99-Year Ground Lease with Balloon Payment

In this scenario, the developer would ground lease a portion of the site. On the remaining portion of the site, the developer would construct a 300,000 GSF facility to house various college functions. The development of the facility shall include everything except for moveable furniture and equipment. CUNY will supply the movable furniture and equipment separately.

The developer would calculate the total value of ground lease payments, with incremental increases, for 99 years. The total value would be discounted and paid upfront as a balloon payment to offset the costs of the development of the facility.

Total FAR to be leased: _____ FAR

Initial rent per FAR: \$ _____ /SF

Schedule of ground rent increases: _____ %

Every _____ year(s)

Discount rate for balloon payment: _____ %

Total balloon payment: \$ _____

Total FAR for facility: _____ SF

Total SF below grade for facility: _____ SF

Total GSF for facility: _____ GSF

Total development cost for facility: \$ _____

Breakdown of Project Costs

Please provide a breakdown of Hard Costs, Soft Costs and Transaction Fees for the development of the facility.

		TOTALS
Total Hard Costs	\$ _____ /sf	\$ _____
Total Soft Costs:	\$ _____ /sf	\$ _____
Total Transaction Fees:	\$ _____ /sf	\$ _____
Total Development Costs:	\$ _____ /sf	\$ _____